

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96763

Hiroaki HAYASHI, et al.

Appln. No.: 10/590,661

Group Art Unit: 1656

Confirmation No.: 2141

Examiner: David J. Steadman

Filed: August 25, 2006

For: TRITERPENE HYDROXYLASE

STATEMENT OF AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, MEIJI SEKIA KAISHA, LTD. of 4-16 Kyobashi 2-chome, Chuo-ku, Tokyo, 104-8002 Japan, declare and state that:

We are the Assignees of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on August 25, 2006 at REEL 018250, FRAME 0625.

We agree that upon allowance and issuance of the above identified application into a United States Patent, restriction on availability of the following deposits will be irrevocably removed:

FERM BP-10201

Transformed yeast GIL77/pESC·PSY·CYP93E1,

which is designated in the specification of the above-identified application and was deposited under the terms of the Budapest Treaty on February 6, 2004, as FERM P-19675 (transferred to FERM BP-10201 on January 6, 2005) in International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology (postal code 305-8566; Central 6, 1-1-1 Higashi, Tsukuba, Ibaraki, Japan).

We agree that the above-identified strains designated in the above identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit, or for the effective life of any patent which issues on the above identified application, whichever is longer;

We agree that if the deposits become non-viable, they will be replaced; and

We also assure access to the deposits to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

/Tu A. Phan/

Tu A. Phan, Ph.D.
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On behalf of:

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 31, 2008